



DEPARTMENT OF THE ARMY
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ APO AE 09390



REPLY TO
ATTENTION OF

AFZB-KG-CO

7 February 2006

MEMORANDUM FOR Commander, Multi-National Division-Baghdad, Camp Liberty, Iraq
09344-3029

SUBJECT: Review of AR 15-6 Investigation - Escalation of Force Incident Occurring on 25
January 2006

1. I have reviewed the above-referenced investigation and recommend the following:

a. _____ recommend the investigating officer's findings and recommendations be
approved.

b. _____ recommend the investigating officer's findings and recommendations be
disapproved.

c. K recommend the investigating officer's findings and recommendations be
approved with the following exceptions/substitutions:

- CONDUCTED PAYMENT WILL BE DONE

2. Point of contact for this memorandum is _____, at

COL, IN
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ 09390



REPLY TO
ATTENTION OF

AFZB-KG-CO

26 January 2006

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MEMORANDUM FOR: [REDACTED] Company, 3rd Battalion, 67th Armor Regiment,
506th Regimental Combat Team, Multi-National Division-Baghdad, Camp Rustamiyah, Iraq
09390

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the incident involving B Company, 3-67 Armor Battalion, that occurred on or about 25 January 2006, during which a local national was apparently shot and killed during a mission. Your investigation will focus on the following areas:

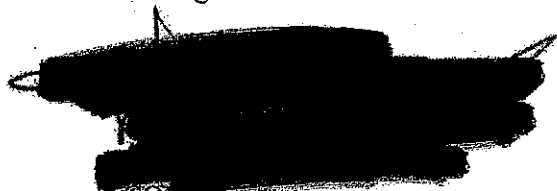
- a. What were the facts and circumstances leading to the shooting?
- b. Did the shooting comply with the Rules of Engagement?
- c. What was the name and address of the local national?
- d. Is a CERP condolence payment to the local national's family appropriate?
- e. What, if any, corrective actions, training, or changes to procedures should be made in light of this incident? What lessons can be learned for future mission planning?
- f. Were there any other civilian casualties or property damage?

2. In your investigation, all witness statements will be taken on paper and sworn using DA Form 2823. If you discover any suspected criminal misconduct you must first read the individual their Article 31, UCMJ Rights, prior to taking their statement. From the evidence, you will make findings as to whether any criminal laws or Army regulations have been violated. In addition to your findings, you will make recommendations for any appropriate action to be taken. These recommendations may include but are not limited to: UCMJ or administrative actions concerning one or more individuals, additional training, policy changes, etc. Conduct your investigation pursuant to AR 15-6. Additionally, seek advice from RCT Legal prior to commencing your investigation (VOIP 673-1104/1020).

AFZB-KG-CO

SUBJECT: Appointment as Investigating Officer

3. Record your findings and recommendations utilizing DA Form 1574. Submit your investigation packet to this headquarters NLT 1700 2 February 2006. Any requests for an extension should be made to me verbally or in writing.

A large, irregular black redaction mark covers the signature area of the document.

COL, IN
Commanding

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For use of this form, see AD 15-6. For electronic version, see www.gsa.gov.

SECTION I-APPOINTMENT

on 26 January 2006 (Date) (Attach Inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

on 26 January 2006 (Date) (If a formal board met for more than one session, check here ☐. Indicate in an addendum the time each session began and ended, the place, persons present and absent, and explanation of absence, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent. (Include brief explanation of each absence). (See paras 3.2 and 3.3a, AR 15-6.)

The investigating officer/board finished gathering/hearing evidence at 1400 on 1 February 2006
(Time) (Date)
and completed findings and recommendations at 1700 on 1 February 2006
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

YES NO NA

Are the following attached and numbered consecutively with Roman numerals: (Attached in order listed)

a. The letter of appointment or a summary of oral appointment data?

6. Copy of notice to respondent, if any? (See item 9, below)

2. Other correspondence with respondent or counsel, if any?

2 All other written communications to or from the appointing authority?

2. Privacy Act Statements (Certificate, if statement provided online)

Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses):

g. Information as to sessions of a formal board not included on page 1 of this report?

h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or report.

FOOTNOTES

1) Explain all negative answers on an attached sheet

2. If one of the NTS cannot transcribe a positive representation of the circumstances described in the question and not occur in the investigation or heard.

		YES	NO	NA
2	Exhibits (para 3-16, AR 15-6).			
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board. (para 3-6b, AR 15-6)?			X
f.	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
g.	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit. (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations. (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment. (para 3-3b, AR 15-6)?			
5	Was a quorum present at every session of the board. (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused. (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required. (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence. (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
a.	Is the method and date of delivery to the respondent indicated on each letter of notification?			
b.	Was the date of delivery at least five working days prior to the first session of the board?			
c.	Does each letter of notification indicate -			
(1)	the date, hour, and place of the first session of the board concerning that respondent?			
(2)	the matter to be investigated, including specific allegations against the respondent, if any?			
(3)	the respondent's rights with regard to counsel?			
(4)	the name and address of each witness expected to be called by the recorder?			
(5)	the respondent's rights to be present, present evidence, and call witnesses?			
d.	Was the respondent provided a copy of all unclassified documents in the case file?			
e.	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a.	Was he properly notified. (para 5-5, AR 15-6)?			
b.	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel. (para 5-5c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
a.	Was each respondent represented by counsel?			
Name and business address of counsel:				
(If counsel is a lawyer, check here <input type="checkbox"/>)				
b.	Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c.	If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report. (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality. (para 5-7, AR 15-6):			
a.	Was the challenge properly denied and by the appropriate officer?			
b.	Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to: (para 5-8a, AR 15-6):			
a.	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b.	Examine and object to the introduction of real and documentary evidence, including written statements?			
c.	Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d.	Call witnesses and otherwise introduce evidence?			
e.	Testify as a witness?			
f.	Make or have his counsel make a final statement or argument. (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses. (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it. (para 5-11, AR 15-6)?			
FOOTNOTES: 1) Explain all negative answers on an attached sheet. 2) Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (Investigating officer) (board), having carefully considered the evidence, finds:

Bravo Company, 3-67 Armor Commander [REDACTED], four soldiers from Headquarters Platoon, Bravo Company, 3-67 Armor, 1st Platoon, Delta Company, 3-67 Armor, three soldiers from 301st Psychological Operations Company, and the 3-67 Armor S-2 went on a cordon and knock mission in order to investigate a suspicious compound VIC MB 50630 90595 at 252225JAN06. (See Exhibits A-K). The compound consisted of a guard shack, several 20ft milvans, a latrine, and scattered wire bundles, which were surrounded by cloth covered metal fencing used to restrict access and visibility into the compound. (See Exhibits A-C, F, J, L, M). Outside the fenced in area were numerous steel pipes and one 20ft milvan. (See Exhibits A-C, E, H, L). The element arrived at the compound and began the cordon when local national [REDACTED] was spotted inside the guard shack. (See Exhibits A-F, H-M). Once identified, [REDACTED] set up an overwatch position until the cordon was established. (See Exhibits A-C). The soldiers were not able to gain access into the compound because the gate opening in the fence was locked. (See Exhibits E, F, H, J). Through holes in the covered fencing, [REDACTED] and [REDACTED] pulled security on the shack in locations noted on Exhibit L. (See Exhibits C, E, F, L, O-Q). After completing the cordon, [REDACTED] PSYOPS attachment [REDACTED] and the interpreter were also at the fence, and each verbally contacted [REDACTED] saying, "Hello, we are Americans, open the door," in both English and Arabic. (See Exhibits A-F, H-K). When contacted, the local national stared at them through the window of the shack and in less than a minute, had turned around, reached for, charged, and aimed an AK-47 (Romanian) toward the soldiers at the gate. (See Exhibits A-K, O-R). [REDACTED] all saw the man grab for, charge, and aim the weapon at them. (See Exhibits A-K, O-R). Realizing the local national's hostile intent, [REDACTED] fired three times from his M-4. (See Exhibits A, C, F, J, R). At the same time [REDACTED] fired one 5.56mm round from his M-4, and [REDACTED] fired two 5.56mm rounds from his M-4, for a total of six 5.56mm rounds fired. (See Exhibits A-E, I-K, P). The local national had been shot and fell out of sight to the floor of the shack. (See Exhibits A, B, E, F, S). Bravo company soldiers gained entry into the compound after the gate opening was unhinged. (See Exhibits A-C, E, F, J). The shack was then breached by [REDACTED] who broke the window on the door to the shack, and reached in to unlock it. (See Exhibits B, F, J, O, Q). Upon entering the shack, a medic was called to administer first aid. (See Exhibits A-F, I-K). After assessment, the medic did not feel a pulse on the man, and identified one gunshot wound to the head, and two gunshot wounds to the chest. (See Exhibits A-F, I-K). One spent 7.62 shell casing that matched the caliber of the AK-47 was found on the floor of the shack, near the local national's body. (See Exhibits A, B, F, H-K, S). The shack was further searched, and bullet holes from the unaccounted for rounds, including the one fired by the local national, were identified. (See Exhibits B, F). The local Iraqi police were found, brought to the scene, continued their own investigation, and collected the body, personal effects, and the AK-47 along with its two magazines. (See Exhibits A-C, E, F, H-K, S).

At approximately 260100JAN06 local national [REDACTED] died from gunshot wounds inflicted by [REDACTED]. (See Exhibits A-F, J, N, R, S). However, [REDACTED] all acted accordingly based on the Rules of Engagement standards. The local national clearly indicated hostile intentions by charging and aiming an AK-47 toward these soldiers once they announced they were American soldiers who wanted to talk to him. By firing on the local national, these soldiers were only trying to protect themselves and the soldiers around them. Bravo Company has made every effort to ensure their soldiers are constantly reminded of the ROE standards. These standards are reviewed before every mission, including this one, and the company received a formal ROE training on 24JAN05. (See Exhibits G, O-R). In adherence to division policy, it is company policy that all soldiers carry their ROE reference cards with them at all times, and only the PSYOPS attachment, [REDACTED] was not carrying his. (See Exhibits O-R). Property damage caused by US soldiers amounted to a broken window, and three bullet holes in the shack. (See Exhibits B, F, J, O-R). Due to the unquestionable hostile intent demonstrated by the local national, the family of [REDACTED] should not be considered for any Commanders Emergency Response Program condolence payments.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (Investigating officer) (board) recommends:

No UCMJ action taken against [REDACTED].

Bravo Company 3-67 Armor continue to ensure Rules of Engagement review is included in every mission brief.

Bravo Company 3-67 Armor conducts regular spot checks to ensure all soldiers, including attachments, carry their ROE card at all times.

The family of [REDACTED] not be considered for any CERP condolence payment.

SECTION VI - AUTHENTICATION (para 2-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 2-15, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

I approve the findings and recommendations.

James D. Thurgman

MC, U.S. Army
Commanding General

INDEX OF EXHIBITS

1. Exhibit A - SIR
2. Exhibit B - [REDACTED] sworn statement dated 28JAN06 C
3. Exhibit C - [REDACTED] sworn statement dated 28JAN06 C
4. Exhibit D - [REDACTED] sworn statement dated 28JAN06 C
5. Exhibit E - [REDACTED] sworn statement dated 28JAN06 C
6. Exhibit F - [REDACTED] sworn statement dated 28JAN06 C
7. Exhibit G - [REDACTED] sworn statement 31JAN06 C
8. Exhibit H - TOC SITREP debrief C
9. Exhibit I - TOC Duty Officers Log (see page 2)
10. Exhibit J - PSYOPS SITREP (see page 2)
11. Exhibit K - BDE SIGACTS report
12. Exhibit L - Sketch of compound
13. Exhibit M - Photo of shack
14. Exhibit N - Photo of picture ID collected from local national
15. Exhibit O - [REDACTED] sworn statement dated 31JAN06 C
16. Exhibit P - [REDACTED] sworn statement dated 31JAN06 C
17. Exhibit Q - [REDACTED] sworn statement dated 1FEB06 C
18. Exhibit R - [REDACTED] sworn statement 31JAN06 C
19. Exhibit S - Photo of 7.62mm round, AK-47, and two magazines of ammunition next to local national's body

Exhibit A

Exhibit A

SIR Format

From: B/3-67 AR

Thru: 500th RCT SDNCO

To: 4th ID/ Division Operation Center

Subject: SIR

1. Category:

2. Type of incident: EOF

3. Date and time: 260100L JAN 06

4. Location: [REDACTED]

5. Personnel involved:

A. Subject: [REDACTED]

A. Rank or grade: CPT

B. Social Security Number: [REDACTED]

C. Race: Caucasian

D. Sex: Male

E. Age: 30

F. Position: Company Commander

G. Security clearance: SEC

H. Unit and station of assignment: B/3-67 AR, Fort Hood, TX

I. Duty status: Active

B. Additional personnel involved: [REDACTED]

J. Rank or grade: [REDACTED]

K. Social Security Number: [REDACTED]

L. Race: Caucasian

M. Sex: Male

N. Age: 29

O. Position: M1114 Driver

P. Security clearance: None

Q. Unit and station of assignment: B/3-67 AR, Fort Hood, TX

R. Duty status: Active

B. Additional personnel involved: [REDACTED]

S. Rank or grade: CPL

T. Social Security Number: [REDACTED]

U. Race: Black

V. Sex: Male

W. Age: 30

X. Position: M1114 Gunner

Y. Security clearance: None

Z. Unit and station of assignment: B/3-67 AR, Fort Hood, TX

AA. Duty status: Active

6. Summary of incident: At 260100 JAN06, the B/3-67 AR patrol with PSYOPS and Hound 2 stopped at a location where metal cylinders were found the night prior (250100 JAN06). The task of the patrol was to conduct a cordon and knock IOT engage any individuals in the area. Upon arrival the patrol identified 1

individual in a guard shack inside a fenced in area. He was standing in an open window looking right at us. We established an over watch position and continued to finish establishing the cordon. After establishing the cordon, we attempted to establish contact with the individual by yelling "Hello, American Soldiers" in both English and Arabic. At this point, the individual went from watching us from the window to the rear of the guard shack and picked up his AK-47. He charged the weapon and pointed the weapon at B/3-67AR and PSYOPS soldiers. We continued to identify ourselves until the last possible moment. Once the weapon was pointed at us we engaged the individual with 6 shots. B/3-67AR soldiers fired 3 shots and PSYOPS fired 3 shots. The individual fell to the ground and we immediately moved to the shack to clear the area and render medical attention. The medic on site assessed the individual and was unable to identify a pulse. The individual died as a result of his wounds. The medic identified 1 GSW to the head and 2 GSW to the chest. The IPs were called to the scene. After a search of the area we recovered 1x AK-47 with 2 magazines. One round was found in the chamber of the weapon and 1 spent shell casing (7.62x39) was found on the floor of the shack. All personal effects, evidence, and the body were turned over to the IPs.

7. Other Information:

A. Racial: N/A

B. Training Involvement: None

8. Remarks: [REDACTED] was deployed to OIF I. [REDACTED] have not been deployed to OIF or OEF.

9. Publicity: N/A

10. Commander reporting: [REDACTED]

11. Point of contact: [REDACTED]

12. Report originated by: [REDACTED]

13. Released by:

14. Unit Notifications:

A. Telephone

Position	Name	DTG	Instructions
Battle CPT	3-67AR TOC	260100JAN06	
BN CDR	[REDACTED]	260115JAN 06	

B. Email

Position	Name	Time	Instructions
BDE SO			

DA now requires additional information on SIRs whenever possible. Specifically: "Was the soldier recently deployed to OIF/OEF? If so, what were the start and end dates of deployment?" This is of particular interest involving accidents.

FOD / DOC NCO: _____

Time Received: _____

FOD / DOC NCO Actions:

DOC OIC / NCOIC Disposition:

Exhibit B

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is DDCSOP's			
LOCATION FOB RVU TAMIAH, IRAQ	DATE 28 JAN 06	TIME 1109	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS O3/ACTIVE	
ORGANIZATION OR ADDRESS B/3-67AA, 4 IN, FOB RVU TAMIAH, IRAQ			
I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>ON 26 JAN 06 at approximately 0100, my patrol conducted a cordon & knock of a fenced in compound that had steel pipes all around its perimeter. We had visited the site the night prior, but had no contact w/ any individuals in the area. Round 2, [REDACTED], wanted to join us on the patrol because of the nature of the pipes and because he had received some intel on the area. Once we arrived at the location we noticed that a guard was present so I set 2 soldiers in an overwatch position to maintain eyes on until the cordon was established. Once the cordon was set, myself, 1st Sgt (Voodoo), and our interpreters attempted to make contact. At this time the individual inside was standing in an open window of the guard shack looking directly at us. I believe he was unable to identify us at this point because of poor lighting and we were behind the entrance fence. We made contact w/ the individual by first yelling "Hello, American Soldiers!" several times in English and then in Arabic. The individual very non-chalant turned around, walked towards the back of the guard shack, grabbed his AK-47, changed the weapon, and then pointed it at us. I was standing directly behind my 2 soldiers and 1st Sgt soldier that were overwatching the individual. All 3 soldiers relayed to me exactly what the individual was doing and none of them fired until the weapon was pointed at my soldiers. 6 rounds were fired and the individual fell to the ground.</p>			
EXHIBIT B	INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF 2 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE READING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."</p> <p>THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>			

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

GASPC 12 01

Exhibit B

STATEMENT (Continued)

We then entered and cleared the area so we could conduct medical aid if required. Once we cleared the area, the medic assessed the individual, but could not find a pulse. He notice that he had 1 GSW to the head and 2 GSW to the chest, we also notice 1 spent shell casing on the floor of the guard shack that was 7.62mm x 39 and that we could account for all 6 of our shots, but still found a 7th hole in the guard shack. ~~At~~ ^{AT} the IAs were called and all evidence and the body were turned over to them to include the AK-47 w/ 2 magazines. The damage caused during this was 4 bullet holes in the guard shack and a broken window in the door which was caused by me as we had to brake the window IOT let our selves in because the shack was locked from the inside. END OF STATEMENT

NIS

NIS

NIS

NIS

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of JAN, 1986 at FEG BUSTAMIAN, TABA

Investigating Officer

PAGE 2 OF 2 PAGES

SSRPG V2.00

Exhibit C

SWORN STATEMENT			
For use of this form, see AF 180-25; the proponent agency is OGCSDPS			
LOCATION Fob Tustanish Iraq	DATE 28 JAN 86	TIME 1000	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] C	SOCIAL SECURITY NUMBER [REDACTED] C	GRADE/STATUS SSG/Active	
ORGANIZATION OR ADDRESS Bco 3/47 AR AID			
I, [REDACTED] C, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 2			
<p>On 26 JAN 86 at approx. 0800 we arrived at [REDACTED] in order to investigate a possible EFP manufacturing site. The area in question was gated with a security screen attached to the gate. [REDACTED] and [REDACTED] approached the gate and observed a guard shack with the lights on. We proceeded to pull security on the shack through holes in the screen while [REDACTED] positioned the rest of the patrol and brought the interpreter forward. At first the shack appeared to be empty but after approx. 2-3 minutes we saw a guard rise from the floor. The guard opened the window and proceeded to watch the gate we were securing. Once [REDACTED], the interpreter, psyops and [REDACTED] approached the gate we attempted to make contact with the guard. We shouted we are Americans come open the gate approx. 4-5 times in English and Arabic. The guard then turned around and picked up his AK-47. As he turned back toward us he charged the weapon and raised it toward us. At this time [REDACTED] fired two rounds [REDACTED] fired one and an NCO from Psyops fired three rounds for a total of six. One round struck the guard's head and two in his chest. We then breached the gate and the guard shack, secured his weapon and called for the medic. When the medic arrived he checked for a pulse and pronounced him dead. The event was reported to battalion and the scene was turned over to the IP's for disposal of the body.</p> <p>Nothing Else Follows</p>			
EXHIBIT C	INITIALS OF PERSON MAKING STATEMENT [REDACTED] - C	PAGE 1 OF 2 PAGES	
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."</p> <p>THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>			

Exhibit C

STATEMENT OF

TAKEN AT

1000

DATED

28 JAN 06

9. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Jan, 2006

at FOB Bagram, Bagram, Bagram

ORGANIZATION OR ADDRESS

(Printed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Exhibit D

SWORN STATEMENT			
For use of this form, see AR 190-45, the proponent agency is ODCSOPS			
LOCATION FOB Rustamiyah, Iraq	DATE 28 Jan 06	TIME 0930	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] G	SOCIAL SECURITY NUMBER [REDACTED] G	GRADE/STATUS E-4 CPL	
ORGANIZATION OR ADDRESS B- 3/67 AK			
[REDACTED] G WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH			
<p>while on patrol on 1-26-06 at approx. 0115 our patrol stopped at what we believed to be a metal shop. The grid to the shop was [REDACTED] Once the perimeter of the shop was secured we observed an arabic male in what appeared to be a guard shack looking outward with his arms crossed at a window. The windows were tinted on the building so the arabic male then opened the window again crossing his arms looking outward.</p> <p>Commands were then given to the subject in both arabic and English, by members of the patrol and our translator. When the commands were given to the subject he was still at the window of the shop with his arms crossed.</p> <p>After commands were given the arabic male then proceeded to walk to the back of the shack, which could be seen from my position. I [REDACTED] then observed the subject retrieve an AK-47 from the back wall. Commands were still being given at this time to the male subject by both members of our patrol and our translator. At this time I let the members of our patrol know of the weapon stating "he has a weapon. Then we observed him chamber a round, with a team member shouting "he charged it"</p> <p>While charging the weapon the arabic male walked to the window. My weapon (M4) has a laser on it when the subject charged the weapon I then put the laser on the subject. The subject then proceeded to the window. Once at the window the male subject raised the AK-47 through the window taking aim.</p>			
GUNMET D	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF	2 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE READING: "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."</p> <p>THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LOVER OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>			

DA FORM 2023, JUL 72

SUPERSEDES DA FORM 2023, 1 JAN 59, WHICH WILL BE USED.

034070 02 00

Exhibit D

STATEMENT (Continued)

Once the male subject was at the window with the weapon aimed at members of our patrol, for the safety of my team members and myself I fired one shot in the direction of the subject's head. At that time other members of our patrol saw the same threat and fired. Once the threat was stopped, we proceeded to clear the shack. Once the shack was clear the medic on our team attempted to apply first aid to the subject but found no pulse. We then secured the scene and made notifications.

Nothing follows

AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this

28 day of January 2007
at FOB Bismillah, Baghdad, Iraq

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority to Administer Oaths)

PAGE 2 OF 2 PAGES

USARPC 12-03

Exhibit E

SWORN STATEMENT			
For use of this form, see AF 150-46, the proponent agency to DDCSOP's			
LOCATION FEB Rustamiyah	DATE 28 Jan 06	TIME 0950HRS	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-3	
ORGANIZATION OR ADDRESS B CO 3167 AR			
[REDACTED] WANTS TO MAKE THE FOLLOWING STATEMENT UNDER OATH: on 26 Jan 06 at approximately 0220 hrs our patrol was checking out a business at grid [REDACTED] due to the large amounts of pieces of pipe that were piled up out side. Upon arrival at that location I [REDACTED] pulled security on the front gate which was padlocked shut. I observed an elderly male subject in the office approximately 75 meters away. It appeared that the subject was sweeping or mopping the floor. After a few minutes the subject put the object that was in his hands against the back wall. The subject walk to the front window of the office placed his hands against the glass and looked out. The glass had a light tint to it. The subject then walked to the back wall, paused for a second and walked back to the window. This time he opened it crossed his arms and rested them on the window seal looking at the front gate which I [REDACTED] was kneeling down behind. The subject stood up and walked to the back wall again, paused and returned to the window. Once again the subject rested his crossed arms on the window seal looking in to our direction.			
EXHIBIT E	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES	
ADDITIONAL PAGES MUST CONTAIN THE HEADING: "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

Exhibit E

STATEMENT (Continued) I [REDACTED] was relaying what the Subject was doing the whole time to SSG McCulloch. [REDACTED], the interpreter, and I was shouting at the Subject that we were American soldiers and just wanted to talk to him. They also asked if the Subject could come to the gate and unlock it. This was done in English and Arabic. The Subject stood back up and walked to the back wall. The Subject picked up an AK-47 and began to turn around. [REDACTED] shouted that the Subject had an AK. I started to back away from the chain linked fence because I had no cover. That is where I [REDACTED] witnessed the Subject charge the AK-47. I [REDACTED] resumed my kneeling position and aimed my weapon at the Subject and began yelling (stop/ret). I [REDACTED] to everyone that the Subject was charging the AK-47. The Subject then walked to the window pointed the

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of January 2006 at FOB Rustan, Iraq

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
Investigating Officer
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Exhibit E

SWORN STATEMENT			
For use of this form, see AF 100-45; the preparing agency is DDCSDPS			
LOCATION FBI Customary	DATE 18 June 1958	TIME 0938 hrs	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6	SOCIAL SECURITY NUMBER [REDACTED] 6	GRADE/STATUS E-3	
ORGANIZATION OR ADDRESS Rm 367 AR			
[REDACTED] 6 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>AK-47 at the front gate and put his finger on the trigger. I [REDACTED] fired two rounds to the subject's torso from my m-4. The subject fell out of sight. I [REDACTED] started yelling that the subject was down. We gained access through the gate and proceeded to the office. I [REDACTED] observed the subject lying on his right side in a pool of blood. The AK 47 was in front of the subject. We gained access to the office moved the AK-47 out of the office, and attempted to check the subject's vitals. I [REDACTED] exited the office when the medic walked in. I [REDACTED] pulled security outside the office until the IP's arrived on scene and took over the investigation.</p> <p>[REDACTED] 6</p> <p>No Thang Feather [REDACTED]</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 6	PAGE 3 OF 4	PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

Exhibit E

STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Jan, 2000 at FOB Postamiyah

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
[REDACTED]
Investigating Officer
(Capacity To Administer Oath)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 6 OF 14 PAGES

98APPC 57-90

Exhibit F

SWORN STATEMENT

For use of this form, see AR 100-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 201; Title 5 USC Section 2051; E.O. 8397 dated November 22, 1943 (SSN).

PRINCIPAL:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

FOR RUSTAMIYAH

2. DATE (YYYYMMDD)

20060120

3. TIME

1634

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

C

6. SSN

C

7. GRADE/STATUS

E-5

8. ORGANIZATION OR ADDRESS

301 TACTICAL PSYCHOLOGICAL OPERATIONS COMPANY (AVERMORE)

I, ~~XXXXXXXXXX~~ C, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AT APPROXIMATELY 2100HRS ON 20 JAN 06, I WAS ON PATROL WITH B COMPANY 3/67 ARMBR AS THE TACTICAL PSYCHOLOGICAL OPERATIONS TEAM SERGEANT. ACCORDING TO INFORMATION FROM THE PREVIOUS NIGHT'S PATROL, THERE WERE REPORTED TO BE OFF MATERIAL PRESENT AT A YARD NEAR AN ELECTRICAL FACILITY. THE PATROL WANTED TO RETURN TO THE YARD TO FURTHER INVESTIGATE. DURING THE MISSION BRIEF PRIOR TO LEAVING AOD ROSTAMIYAH, THE PATROL WAS TOLD THAT NO GUARDS WERE PRESENT AT THE YARD FROM THE NIGHT BEFORE, HOWEVER, THIS MISSION MIGHT BE DIFFERENT.

WHEN WE ARRIVED AT THE YARD, THE B COMPANY COMMANDER TOLD ME THAT A GUARD WAS PRESENT INSIDE A SHACK LOCATED WITHIN A FENCED OFF AREA. HE IDENTIFIED SOME MILVANS THAT HE WANTED THE PATROL TO SEARCH INSIDE OF BUT THEY WERE LOCKED. ~~XXXXXXXXXX~~ STATED THAT THE GUARD WAS IN THE SHACK SWEEPING. BUT STOPPED WHEN HE SAW US AT THE OPENING OF THE LOCKED GATE. THE B COMPANY COMMANDER AND I DECIDED TO MAKE CONTACT WITH THE MAN IDENTIFIED AS A GUARD TO ASK HIM TO UNLOCK THE MILVANS. THIS WAY WE COULD ALSO TELL HIM WHAT WE WERE DOING AND ASK FOR HIS HELP. SEVERAL SOLDIERS WERE STANDING NEAR THE OPENING OF THE GATE. I NOTICED PFC LYONS KNEELING

10. EXHIBIT

F

11. INITIALS OF PERSON MAKING STATEMENT

-C-

PAGE 1 OF 6 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

7 11/11/06
USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF ~~REDACTED~~ 6 TAKEN AT 1800 DATED 28 JAN 06

B. STATEMENT (Continued)

AT THE GATE AND HOLDING SECURITY ON THE LOCAL NATIONAL THAT WE THOUGHT WAS A GUARD. I LOOKED OVER TOP OF ~~REDACTED~~ AND OBSERVED THE LOCAL NATIONAL STARING AT US ~~REDACTED~~ WITH HIS ARMS FOLDED ACROSS HIS CHEST, THRU A WINDOW. I CALLED OUT TO HIM IN A CLEAR AMERICAN VOICE IN ENGLISH IN A VERY NON-THREATENING WAY AND SAID "HELLO" TWO TIMES. I DID NOT WANT HIM TO FEEL THREATENED AND HAVE LEARNED FROM EIGHT MONTHS IN IRAQ THAT A FRIENDLY SOUNDING "HELLO" IS THE FASTEST AND MOST EFFECTING WAY TO MAKE NON-THREATENING CONTACT. THEN I SAID TO OPEN THE DOOR IN ARABIC, TWO TIMES. THE B COMPANY INTERPRETER SAID THE SOMETHING VERY LOUD AND IN ARABIC. THE B COMPANY COMMANDER SAID "AMERICANS". I WAS WATCHING THE LOCAL NATIONAL, AT THIS TIME, OVER ~~REDACTED~~ SHOULDER AS HE CONTINUED TO HOLD ON. 6 THE MAN WITH HIS WEAPON.

I QUICKLY MOVED TO ~~REDACTED~~ THE LEFT OF ~~REDACTED~~ 6 BECAUSE THE LOCAL NATIONAL ACTED UNUSUAL HAVE SEEN GUARDS ACT IN THE PAST. I BROUGHT MY M-4 TO A GUARD POSITION AND WATCHED HIM ~~THRU~~ THROUGH A HOLE IN THE GATE. THE GATE WAS CHAIN LINK THAT WAS COVERED

INITIALS OF PERSON MAKING STATEMENT

6

PAGE 2 OF 6 PAGES

STATEMENT OF

TAKEN AT

1800

DATED

28 JAN 86

8. STATEMENT (Continued)

IN CLOTH TO HELP KEEP PEOPLE FROM LOOKING IN. I SIGHTED IN ON THE LOCAL NATIONAL WHEN HE TURNED HIS BACK TO US. HE HAD THE OPTION OF WALKING OUT THE DOOR TO HIS LEFT BUT HE DIDN'T AND ~~IT~~^{SE} IT JUST FELT WRONG. HE PICKED UP AN AK-47 AND IMMEDIATELY FACED US AGAIN. HE MANIPULATED A FICTION ON THE WEAPON AND BEGAN TO RAISE IT. I CALLED OUT "GUN" AND FIRED THREE SHOTS. THERE WAS NO TIME FOR COMPLIANCE COMMANDS. MY FIRST TWO SHOTS WERE AIMED AT HIS CHEST. HOWEVER, I LOST SIGHT OF THE SECOND SHOT BECAUSE THE GAS FROM MY MUZZLE SHOOK THE CLOTH I WAS LOOKING THROUGH. I FOUND THE HOLE QUICKLY AND HE WAS STILL STANDING. MY THIRD SHOT WAS WELL AIMED AND IMPACTED AS HE WAS DROPPING. AFTER MY THIRD SHOT, MY TARGET WAS NO LONGER VISIBLE, BECAUSE HE WAS BELOW THE WINDOW SILL. I SAID TO THE B COMPANY COMMANDER THAT WE NEEDED TO BREACH THE GATE NOW. HE AGREED AND CALLED FOR BAT CUTTERS.

AFFIDAVIT

I, ~~REDACTED~~ C, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 6 PAGES

Exhibit F

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB RUSTAMIYAH	2. DATE (YYYYMMDD) 2006-12-28	3. TIME 1730	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] C	6. SSN [REDACTED] 4	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS 301 TACTICAL PSYCHOLOGICAL OPERATIONS COMPANY (AIRBORNE)			

I, [REDACTED] - C, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

A SOLDIER ATTEMPTED TO CUT THE LOCK BUT THE LOCK WAS ON THE INSIDE OF THE GATE AND COULD NOT BE CUT. THEN THE B COMPANY COMMANDER REMEMBERED HE COULD LIFT THE GATE OFF OF THE HINGES. HE LIFTED IT OFF THE HINGES AND I WAS THE FIRST THRU THE GATE INTO THE YARD. SEVERAL OF US CLOSED THE DISTANCE TO THE GUARD SHACK. LATER, I PAVED IT OF AS APPROXIMATELY 30 - 35 METERS. THE OPEN YARD WAS CLEAR AND NO OTHER LOCAL NATIONALS WERE PRESENT. AS I GOT WITHIN APPROXIMATELY TEN METERS I OBSERVED BLOOD ON THE OUTSIDE OF THE WINDOW SILL. I ALSO CALLED OUT THE HOLE IN THE GUARD SHACK THAT WAS FROM THE SECOND SHOT I FIRED TO NOTIFY EVERYONE THAT I COULD NOT ACCOUNT FOR THE ACTIONS OF ONE OF MY SHOTS. I WANTED TO MAKE SURE THAT NOBODY ON THE REAR PERIMETER WAS HIT. NOBODY OTHER THAN THE LOCAL NATIONAL IN THE GUARD SHACK WAS SHOT. AS WE CAME UPON THE GUARD SHACK, A SOLDIER OBSERVED THE LOCAL NATIONAL DOWN AND BLEEDING WITH NO WEAPON IN HIS HAND. THE DOOR TO THE GUARD SHACK WAS LOCKED AND WOULD NOT OPEN SO, [REDACTED] BROKE THE WINDOW WITH HIS

10. EXHIBIT F	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] C	PAGE 4 OF 6 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT _____ DATED _____

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

7 fidix
USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT

1800

DATED

28 JAN 06

9. STATEMENT (Continued)

ELBOW AND UNLOCKED THE DOOR. THE LOCAL NATIONAL WAS BLEEDING AND BLOWING BLOOD BUBBLES THRU HIS NOSE AND MOUTH. [REDACTED] CALLED FOR A MEDIC. THE TACTICAL PSYCHOLOGICAL OPERATIONS TEAM (PCH) IS A COMBAT LIFESAVER AND WAS THE FIRST TO RENDER AID UNTIL THE MEDIC ARRIVED SHORTLY THEREAFTER. THEY BOTH TRIED TO FIND A PULSE AND THE LOCAL NATIONAL DID NOT HAVE A PULSE. [REDACTED] TOLD US THAT THE LOCAL NATIONALS PUPALS WERE FIXED AND DID NOT REACT TO LIGHT.

I ASKED [REDACTED] WHO ELSE SHOT. HE TOLD ME THAT [REDACTED] AND [REDACTED] BOTH FIRED ONE SHOT. [REDACTED] AND [REDACTED] TOLD ME THE SAME. OTHERS WERE SEARCHING THE BODY AND FOUND MEDICATION IN HIS POCKET. I NOTICED THAT A BULLET HOLE IN THE WINDOW CORRESPONDED WITH A HOLE IN THE BACK WALL. I ASKED THE MEDIC HOW MANY TIMES THE LOCAL NATIONAL WAS HIT. HE TOLD ME TWICE IN THE CHEST AND ONCE IN THE HEAD NEAR HIS NOSE. I WAS CONCERNED THAT A BULLET WAS UNACCOUNTED FOR SO I ASKED THE MEDIC IF THERE WERE EXIT WOUNDS. HE SAID THAT THERE WAS NOT ANY. THE SHOT FIRED THRU THE WINDOW DID NOT HIT THE LOCAL NATIONAL AND PASSED THRU THE SHACK. LUCKILY, NO OTHERS WERE HIT. THE B COMPANY COMMANDER WAS TRYING TO CALL THE IRAQI POLICE BUT HIS PHONE DID NOT WORK. I SENT MY ASSISTANT TEAM LEADER, [REDACTED], WITH OUR INTERPRETER TO FIND SOME IRAQI

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 6 PAGES

Exhibit F

STATEMENT OF

TAKEN AT

1800

DATED

28 JAN 06

9. STATEMENT (Continued)

POLICE ON THE MAIN STREET. [REDACTED] WENT WITH OUR VEHICLE AND TWO VEHICLES FROM B COMPANY. HE RETURNED IN APPROXIMATELY FIFTEEN MINUTES WITH FOUR IRAQI POLICE VEHICLES. AS THE GUARD SHACK WAS BETTER SEARCHED B COMPANY SOLDIERS SECURED THE AREA. I LOCATED AN EXPENDED BULLET CASING ON THE FLOOR OF THE GUARD SHACK THAT MATCHED THE CALIBER OF THE LOCAL NATIONAL'S AK-47. ACCORDING TO THE B COMPANY INTERPRETER, THE LOCAL NATIONAL THAT WAS SHOT WAS TAKING THE SAME MEDICATION AS HIS TERMINALLY ILL FATHER. THE CONTENTS OF THE LOCAL NATIONAL'S POCKETS ALSO CONTAINED PRAYER CARDS WRITTEN IN ^{AR} ENGLISH. FARSI. THE S-2, [REDACTED] B COMPANY COMMANDER WERE THE POINTS OF CONTACT FOR THE IRAQI POLICE. THE IRAQI POLICE CALLED FOR MORE OFFICERS, THEY LOADED UP THE BODY AND WE DEPARTED THE LOCATION.

/// NOTHING FOLLOWS

///sl

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 10. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Jan 2006 at FOB Rustamjeh

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigative Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 6 OF 6 PAGES

Exhibit G

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODOSOPS

PRIVACY ACT STATEMENT

Title 10 USC Section 301, Title 5 USC Section 2951, E.O. 9397 dated November 22, 1943 (SSN).

To provide commanders and law enforcement officials with means by which information may be accurately identified.

Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.

Disclosure of your social security number is voluntary.

AUTHORITY:

PRINCIPAL

ROUTINE USES:

DISCLOSURE:

1. LOCATION

FOB MWJTV

2. DATE (YYYYMMDD)

2006 01 31

3. TIME

1007

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

B/3-67 AA, 4ID

9.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED]

A: [REDACTED]

Q: Do you believe Exhibit A is an accurate depiction of the fenced compound?

A: YES. ON EXHIBIT B & I, CPT STAMAPIS, INDICATED IN BLUE INK MY APPROXIMATE LOCATION WHEN SHOTS WERE FIRED.

Q: Did you have a clear view of the local national (LN) in the time leading up to and during weapons discharge?

A: YES. I WAS WATCHING THE INDIVIDUAL FROM THE FENCE UP TO THE POINT THAT HE STARTED TO RAISE HIS WEAPON. AT THAT POINT I STEP TOWARDS THE MILVAN TO GET OUT OF THE LINE OF FIRE.

Q: What element did you leave the FOB with?

A: I LEFT WITH 1/013-67AA PLT AND 4 OTHER SOLDIERS FROM HA/B/3-67AA AND THE PSYOPS TEAM. HAVO 2, [REDACTED], ALSO ACCOMPANIED THE PATROL. 1/013-67AA IS THE WHITE ELEMENT.

10. EXHIBIT

6

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING 'STATEMENT' TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED

3-10-12-3

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT

FEB 1984

DATED

31 JAN 86

9. STATEMENT (Continued)

Q: What was the approximate length of time between initial verbal contact with the LN and when firing began?

A: IT WAS APPROXIMATELY 10-15 SECONDS.

Q: When was your last ROE training?

A - ~~W~~ MY COMPANY BRIEFED ROE/AUF IN EVERT PATROL BRIEF and we also received BDE ROE/AUF Training the day before this shooting. IT WAS TAUGHT BY THE BDE SJA.

END OF STATEMENT

6

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

6

Exhibit G

STATEMENT OF [REDACTED] TAKEN AT FEB RUSTY DATED 31 JAN 01

9. STATEMENT (Continued)

6

AFFIDAVIT

[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of JAN, 2001 at ROB RUSTY, IAB

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

Exhibit H

Overnight Developments (25 JAN 06)

EX 1

AT 0050, [REDACTED] REPORTS B/3-67 AR WAS CHECKING OUT A JUNKYARD. [REDACTED] KNOCKED ON THE DOOR TO THE JUNKYARD. [REDACTED] THEN IDENTIFIED HIMSELF TO THE LN. THE LN THEN CHARGED HIS WEAPON AND PUT IT UP TO THE WINDOW. [REDACTED] THEN SHOT THE INDIVIDUAL, RESULTING IN 1 KIA. AN SIR WAS STARTED ON THIS SITUATION. NO DAMAGE TO EQUIPMENT OR PERSONNEL. [REDACTED] REPORTS IN THE TOC DURING DEBRIEFING "Went to electrical Co looked around out side at the sections of pipes laying around. Decided to go in. The gate was locked so looked through the fence, and saw that the light was on in the guard shack. The guard got up and looked at the American forces. They told the guard that they were Americans and that they wanted to talk to him 4-5 times in English and Arabic. The guard then turned around and grabbed an AK-47 turned back towards Bco charged the weapon and pointed it at them. The guard was then engaged w/ 7-8 shots. The guard then went down. Bco broke the gate down and secured the area. They then found the man was KIA, 1 shot to the head and 2 to the chest. The guard had 1x AK-47 (Romanian) w/ 2 magazines. When the weapon was cleared there was 1 round in the chamber and 1 spent round on the ground by the body. Bco then called the incident in to higher, and notified the IPs. The incident happened [REDACTED] END BDA: 1xLN KIA

MND
BAGHDAD

12878

Exhibit H

Exhibit I
(See pg 2)

2
2
2
2
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2
2
2
7
2
2
2
2
2
2

Exhibit J
(See pg 2)

[illegible]

1. Name of Operation: N/A
2. Unit Reporting TPT 1412
3. DTG of Dissemination/Engagement: 252200 JAN06 252300 JAN06
4. Product # or Description of Product Disseminated: N/A
5. Location of Dissemination/Engagement: [REDACTED] 2
6. Dissemination Execution FF
7. Direct Impact Observations: The LN's greeted the patrol and was excited to invite us into their home for chi and conversation.
8. Collateral TAs and Impact Observations: N/A
9. Additional Information: TPT 1412 accompanied B Co 367 AR on a presence patrol in the Balyadia to provide PSYOP support by providing FF with LN's and to coach leadership on how to utilize Talking Points during conversations ISO EET 1, 2, 3 & SPO: AD1, A02, A05 & A09

The patrol was invited in to the home of A [REDACTED] (V/O [REDACTED]) City Number [REDACTED]. He can be contacted through his son [REDACTED]. TPT and the leadership from B Co. were invited in to the home for Chi and conversation. The family was very open and compassionate about the current terrorist situation in Iraq. Additionally they were very upset with the level of corruption with law enforcement and Government. The family was very happy with efforts to stop

6
terrorism by CT. TL expressed themes of Empowerment and supporting the ISF during the current state of affairs. [REDACTED] told the TL and B Co. commander that he is most upset by fundamentalists that are conducting crimes in the name of God. Specifically he was very verbal about AQIZ. TL and B Co. commander were surprised at his openness regarding AQIZ because they are rarely spoken about and there is an AQIZ Emerging Target that lives on the same ST as his family. He and his brother told us that the following groups, Al-Tawheed Wal Jihad, Ikhwan Al-Sunna, Al-Qaeda, and Ansar Al-Islam are blamed for terrorist activities that are actually committed by the MM. They also stated that Muqtada al Sadr has lost the support of the people and is openly made fun of in public.

The family expressed happiness over recent news reports on TV regarding two Palestinian groups being arrested by the POB. One of them claimed responsibility for a VBIED attack that killed over 50 people in New Baghdad. Both groups were said to be from the Al-Qudis mosque in their area. Since these groups were arrested five days ago the family already feels the area is safer. TL used the situation of their excitement to reinforce EET 2 and told them that ISF is getting better.

30105 (S) Dissemination/Engagement Report

1. Name of Operation: N/A
2. Unit Reporting TPT 1412
3. DTG of Dissemination/Engagement 252300Z JAN03-260300Z JAN03
4. Product # or Description of Product Disseminated N/A
5. Location of Dissemination/Engagement [REDACTED] 2
6. Dissemination Execution N/A
7. Direct Impact Observations 1 LN KIA
8. Collateral TAs and Impact Observations N/A
9. Additional Information: TPT 1412 accompanied B Co 3/67 AR on a presence patrol in the Hababiya area to provide PSYOP support by providing FF with LN's and to coach leadership on how to utilize Talking Points during conversations ISO EET 1, 2, 3 & SPO; A01, A02, A06 & A09.

The patrol arrived at the storage area [REDACTED] that they were at last night during a patrol and had observed material that could potentially be used to make EFPs. At the facility there were several conex boxes that were locked. Tonight they wanted to open the boxes to inspect them. Last night the area was empty, but tonight there was a LN in what appeared to be a small guard shack. The guard shack was located within a fenced off area and the gate was locked. The patrol wanted to ask the guard to open the conex boxes so that the locks would not have to be cut off.

The TL was at the opening of the locked gate and attempted to make contact with the LN in the guard shack. Several members of the patrol, TL, and an interpreter called out to the LN in English and in Arabic as he stared at the patrol through an open window. As soon as the man appeared to hear us, he immediately turned his back to the window, grabbed an AK-47 from a table behind him, faced us again, and chambered a round. The TL and two other soldiers in the patrol shot him as he raised the weapon to point it at us.

There was no time to issue compliance commands prior to him being shot. He appeared to act with the intention of shooting us. He was shot two times in the chest and once in the head. The patrol made entry into the gated area and closed the thirty meter distance to the guard shack. The B Co. commander broke the window of the locked guard shack door so we could get in and immediately called for a medic while the rest of the patrol secured the area. The PSYOP Specialist and platoon medic attempted to render first aid, however, the LN died as a result of his wounds.

The ATL took the PSYOP interpreter and went with two other vehicles of the patrol to locate any IP's that were in the area because the B Co commander was unable to make contact with them via cell phone. The ATL returned with four IP trucks. The B Co commander and the BN S-2 were the POC's for the Iraqi Police at the location of the incident. While searching through the contents of the guard shack the patrol located medication and one recently fired casing. According to the B Co. interpreter the LN that was shot was taking the same medication as his terminally ill father.

It appears the LN may have been laying in wait to kill CF.

00489 (S) Future Operations (Next 48 Hours):

26 JAN 06: TPT 1412 has not confirmed a patrol time yet, depending time needed to provide information regarding this incident and the needed availability of the team, we will schedule a patrol time accordingly. More than likely, we will be going out with A Co to the Sumera area to provide FF PsyOp support and product dissemination of Baghdad Now ISO EET 1, 2, 3 & SPO: A01, A02, A06 & A09.

SP 1900
ETR 2300

SIGNIFICANT EVENTS WITHIN RCT AO

LAST 12 HOURS

AT 260000, ANNO 3-67 AR REPORTED 01247 AR WITHIN [REDACTED] WAS CHECKING OUT A LOCATION WHERE THE PREVIOUS NIGHT THEY HAD FOUND METAL POTS VIC [REDACTED]. A GUARD WAS PRESENT AND THE SOLDIERS IDENTIFIED THEMSELVES AS AMERICANS IN ARABIC AND ENGLISH FOUR OR FIVE TIMES. THE GUARD THEN TURNED AROUND, GRABBED HIS AK-47, CHARGED IT AND POINTED IT TOWARDS THE US SOLDIERS. 6 X 55MM ROUNDS WERE FIRED AT THE GUARD. THE SOLDIERS THEN ENTERED THE GUARD SHACK AND ATTEMPTED TO RENDER MEDICAL AIDE TO THE GUARD. THE MEDIC ON SCENE COULD NOT LOCATE A PULSE AND IDENTIFIED ONE GUN SHOT WOUND TO THE HEAD AND TWO GUN SHOT WOUNDS TO THE CHEST. THE GUARD DIED AS A RESULT OF HIS WOUNDS. THE IPS WERE CALLED TO THE SCENE. THE IPS COLLECTED THE GUARD'S BODY AND BELONGINGS. THE GUARD HAD ONE AK-47 (ROMANIAN) WITH 2 MAGAZINES. WHEN THE WEAPON WAS CLEARED, THERE WAS ONE ROUND IN THE CHAMBER AND ONE SPENT SHELL CASING ON THE FLOOR NEXT TO THE GUARD'S BODY.

Exhibit K

As of Thursday, January 26, 2006

Exhibit M

Exhibit M

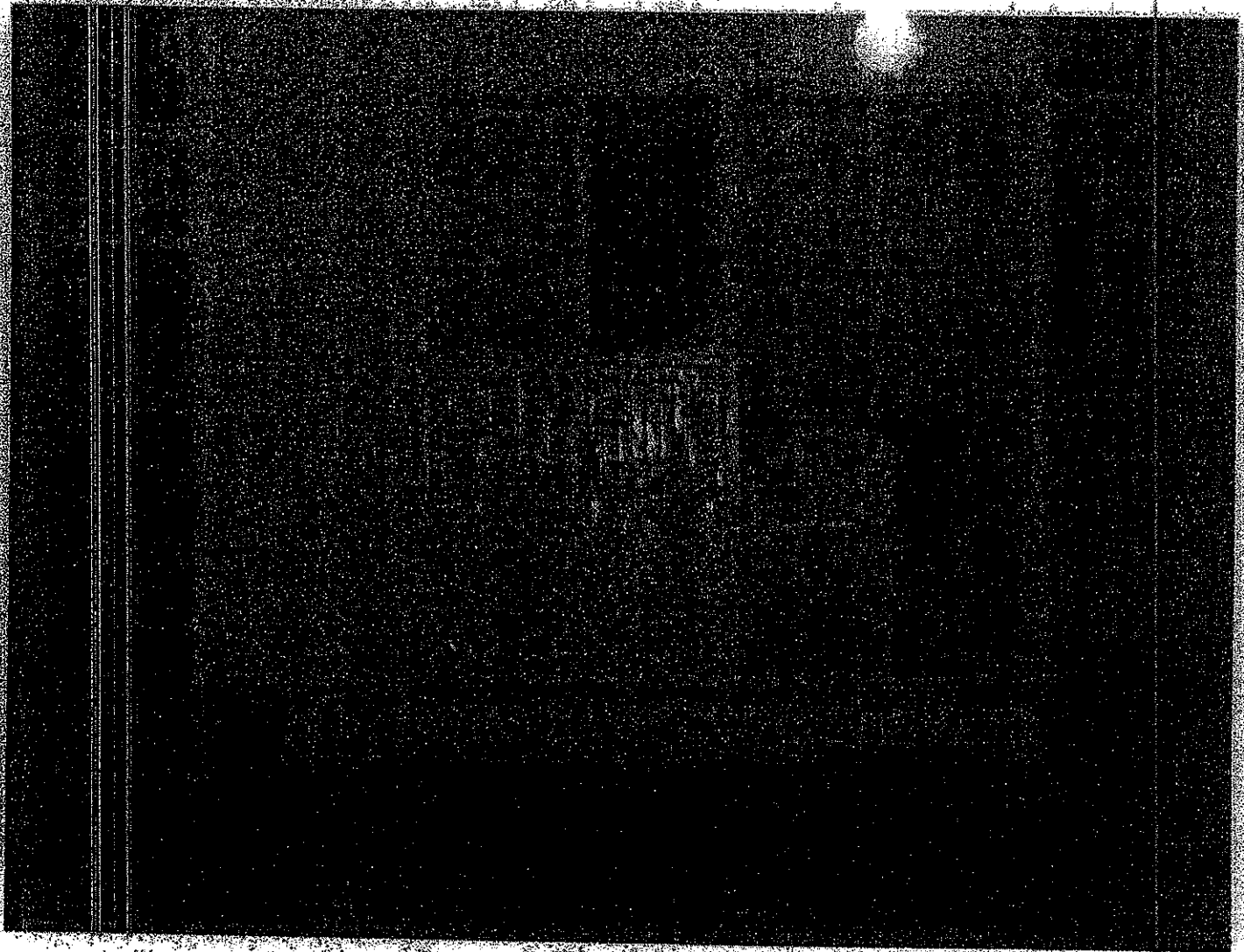


Exhibit N

Exhibit N

~~XXXXXXXXXXXXXXXXXXXX~~
Baghdad Aljadidh 591

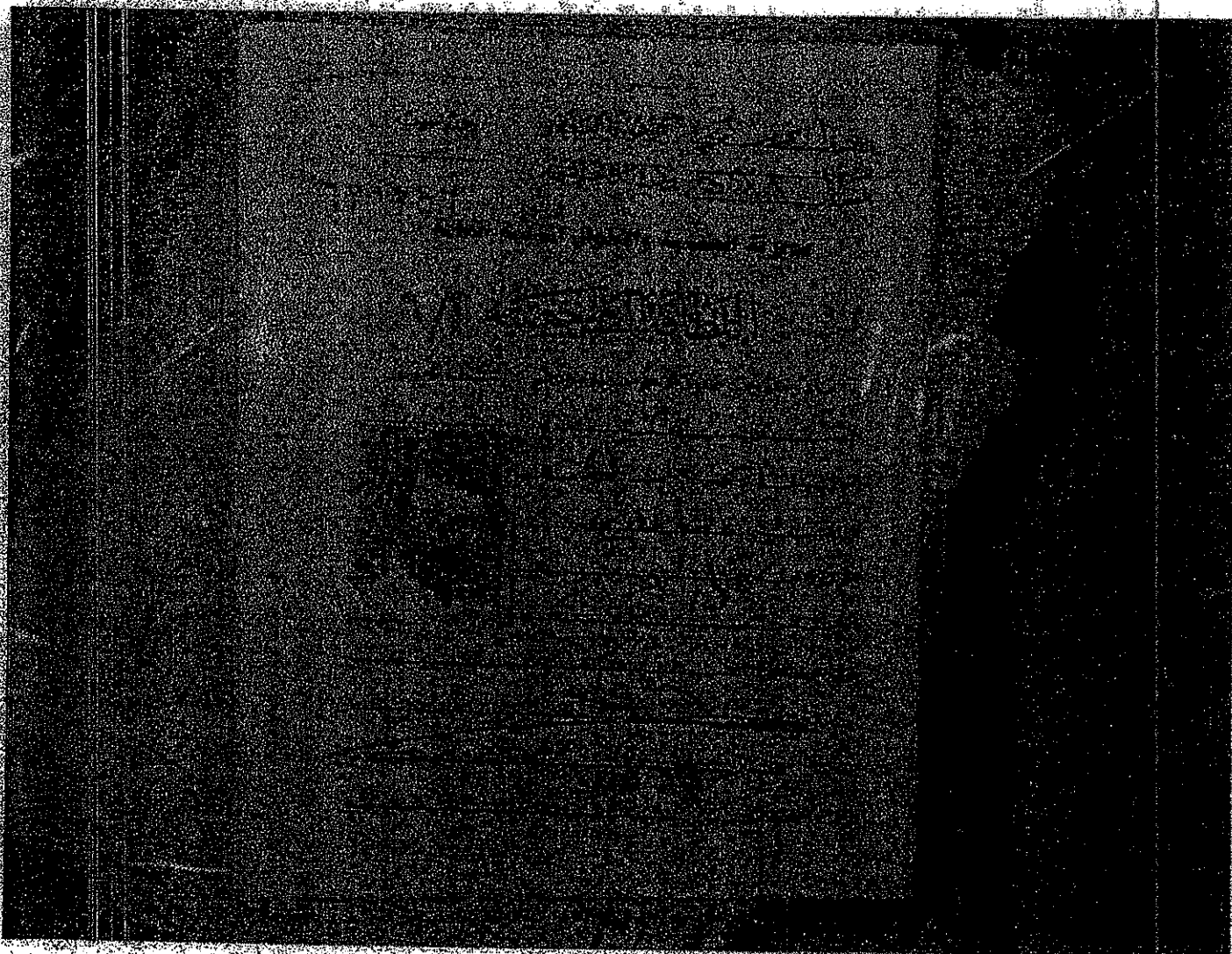


Exhibit D

SWORN STATEMENT

For use of this form, see AF 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION FOB Rustumiyah	2. DATE (YYMMDD) 2006 01 31	3. TIME 1045	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4 cpl	
8. ORGANIZATION OR ADDRESS BCOB-67 FOB Rustumiyah, Iraq			
9. [REDACTED] C, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			

Q:

[REDACTED]

A:

[REDACTED]

Q: Do you believe Exhibit D is an accurate depiction of the fenced compound?

A: Yes, on Exhibit D I cpl Ballard indicated the approximate location when shots were fired.

Q: Did you see the local national (LN) charge his weapon?

A: Yes.

Q: What was the approximate length of time between initial verbal contact with the LN and when firing began?

A: No more than 1 min.

10. EXHIBIT



11. INITIALS OF PERSON MAKING STATEMENT

[REDACTED] - G

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT

1045

DATED

1-31-06

9. STATEMENT (Continued)

Q: Did you observe any property damage during the mission?

A: The window was broken from one of the shots. The window on the door & the door handle.

Q: When was your last ROE training?

A: We had a bde. Brief day prior ⁽¹⁻²⁴⁻⁰⁶⁾ and a patrol brief day of. (1-25-06)

Q: Do you carry your ROE card with you at all times?

A: Yes

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

Exhibit C

STATEMENT OF ~~REDACTED~~ TAKEN AT 1045 DATED 1-31-06

9. STATEMENT (Continued)

~~REDACTED~~

AFFIDAVIT

I, ~~REDACTED~~, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of Jan, 2006 at FOB Bostanjiyah

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
Investigator: ~~REDACTED~~
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODGSOFS

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2951, E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

2. DATE (YYYYMMDD)

3. TIME

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9. [REDACTED] C. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED] C.
A: [REDACTED] C.

Q: Do you believe Exhibit 1 is an accurate depiction of the fenced compound? C

A: Yes on exhibit 1 [REDACTED] indicated my approximate location when the shots were fired.

Q: What was the approximate length of time between initial verbal contact with the local national and when firing began?

A: Maybe one minute at the most.

Q: What type of weapon were you carrying for this mission?

A: M-4 Carbine 5.56mm

10. EXHIBIT

P

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING STATEMENT

TAKEN AT

DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF 

TAKEN AT ^{1035 hrs} Rustamiyah

DATED 31 Jan 66

9. STATEMENT (Continued)

Q: When was your last ROE training?

A: We have once ever brief before the mission
Brigade gave once day before this incident.

Q: Do you carry your ROE card with you at all times?

A: Yes it's company policy

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

Exhibit P

STATEMENT OF

TAKEN AT

1035

DATED

31 Jan 06

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of Jan 2006 at FOB Bastanjan

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

Exhibit Q

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION Fob Rustemish, Iraq	2. DATE (YYYYMMDD) 2006 02 01	3. TIME 1407	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED] C	6. SSN [REDACTED] C	7. GRADE/STATUS SSG/ACTIVE	
8. ORGANIZATION OR ADDRESS Bco 3/67 AR 410, Fob Rustemish, Iraq			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED] C

A: [REDACTED]

Q: Do you believe Exhibit "L" is an accurate depiction of the fenced compound?

A: Yes, on Exhibit L I [REDACTED] indicated my approximate location when the shots were fired.

Q: Did you have a clear view of the local national (LN) on the fire leading up to and during weapons discharge?

A: Yes

Q: Did you see the LN charge his weapon?

A: Yes

10. EXHIBIT

Q

11. INITIALS OF PERSON MAKING STATEMENT

[REDACTED] C

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING: STATEMENT

TAKEN AT

DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF ~~REDACTED~~

TAKEN AT

1407

DATED

1 Feb 76

9. STATEMENT (Continued)

Q. What was the approximate length of time between initial verbal contact with the LN, and when shots were fired?

A. 20-30 seconds.

Q. Did you observe any property damage during the mission?

A. Yes, the front gate was broken and the window on the door to the guard shack was broken in order to secure the LN and remainder. There were also to bullet holes in the guard shack.

Q. When was your last ROE training?

A. Every time we have a mission brief and at Brigade level the day prior to the mission.

Q. Do you carry your ROE card with you at all times?

A. Yes

~~Nothing Else Follows~~

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

Exhibit 9

STATEMENT OF [REDACTED]

TAKEN AT

1407

DATED

1 Feb 66

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] - C
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of Feb 2006 at [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED] (Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] - C
(Typed Name of Person Administering Oath)
Investigative Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] - C

PAGE 3 OF 7 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45, the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2821; E.O. 9397 dated November 22, 1943 (SSN)
 PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOR ROSA RUSTAMIAN 2. DATE (YYYYMMDD): 20060131 3. TIME: 1700 4. FILE NUMBER:
 5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED] 6. SSN: [REDACTED] 7. GRADE/STATUS: E-5
 8. ORGANIZATION OR ADDRESS: 301st TACTICAL PSYCHOLOGICAL OPERATIONS COMPANY (AIRBORNE)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED]
 A: [REDACTED]
 Q. Do you believe Exhibit A is an accurate depiction of the fenced compound?
 A: YES

ON EXHIBIT 2, [REDACTED] INDICATED MY APPROXIMATE LOCATION WHEN SHOTS WERE FIRED.

Q. What was the approximate length of time between initial verbal contact with the local national and when firing began?
 A: APPROXIMATELY SEVEN SECONDS

Q. How many Psyops soldiers were present during this mission?
 A: THREE

Q. What type of weapon were you carrying for this mission?
 A. I FIRED AN M4 RIFLE BUT WAS ALSO CARRYING AN M9 PISTOL.

10. EXHIBIT: R 11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING STATEMENT TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

21 THIRTEEN

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

~~REDACTED~~

TAKEN AT 1700

DATED 31 JAN 86

16

9. STATEMENT (Continued)

Q: When was your last ROE training?

A: THE NIGHT OF THE MISSION BEFORE THE CANNON LEFT.

Q: Do you carry your ROE card with you at all times?

A: NO

/// NOTHING FOLLOWS ///

~~REDACTED~~

INITIALS OF PERSON MAKING STATEMENT

~~REDACTED~~

PAGE 2 OF 3 PAGES

Exhibit B

STATEMENT OF [REDACTED] TAKEN AT 1700 DATED 31 JAN 06

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of Jan, 2006, at FOB Rustan, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

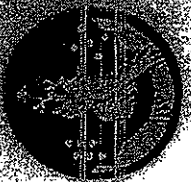
ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
Investigation Officer
(Authority To Administer Oaths)

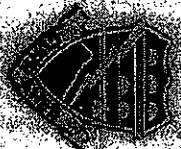
INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 3 OF 3 PAGES





SIGNIFICANT EVENTS WITHIN RCT AO LAST 12 HOURS



• AT 260050JAN06 3-67 AR REPORTED B3-67 AR WITH [REDACTED] WAS CHECKING OUT A LOCATION WHERE THE PREVIOUS NIGHT THEY HAD FOUND METAL POTS VIC [REDACTED] A GUARD WAS PRESENT AND THE SOLDIERS IDENTIFIED THEMSELVES AS AMERICANS IN ARABIC AND ENGLISH FOUR OR FIVE TIMES. THE GUARD THEN TURNED AROUND, GRABBED HIS AK-47, CHARGED IT AND POINTED IT TOWARDS THE US SOLDIERS. 6 X 5.56mm ROUNDS WERE FIRED AT THE GUARD. THE SOLDIERS THEN ENTERED THE GUARD SHACK AND ATTEMPTED TO RENDER MEDICAL AIDE TO THE GUARD. THE MEDIC ON SCENE COULD NOT LOCATE A PULSE AND IDENTIFIED ONE GUN SHOT WOUND TO THE HEAD AND TWO GUN SHOT WOUNDS TO THE CHEST. THE GUARD DIED AS A RESULT OF HIS WOUNDS. THE IPS WERE CALLED TO THE SCENE. THE IPS COLLECTED THE GUARD'S BODY AND BELONGINGS. THE GUARD HAD ONE AK-47 (ROMANIAN) WITH 2 MAGAZINES. WHEN THE WEAPON WAS CLEARED, THERE WAS ONE ROUND IN THE CHAMBER AND ONE SPENT SHELL CASING ON THE FLOOR NEXT TO THE GUARD'S BODY.

Ex 1

[REDACTED]

As of Thursday, January 26, 2006